

**PROPOSED FINDINGS BY THE PLANNING AND ZONING
COMMISSION OF THE TOWN OF TRUMBULL TO DENY THE
APPLICATIONS**

Save Nichols and Gary Bean hereby submit the following proposed findings to the Planning and Zoning Commission of the Town of Trumbull for the denial of the Application for Site Plan Approval, Request for Zone Change and Application for Subdivision Approval filed by St. John's Woods, LLC, all dated July 26, 2006, with respect to the Premises at 100 St. John's Drive, Trumbull, Connecticut (collectively the "Applications"):

The Applications submitted by St. John's Woods, LLC, dated July 26, 2006, are not in full compliance with all of the requirements of Article XVIII of the Zoning Regulations of the Town of Trumbull, Connecticut (the "Regulations") pertaining to the Age Restricted Elderly Housing Zone as well as other applicable Town ordinances and regulations, which are specifically implicated pursuant to the Regulations:

1. To date, the Applicant has failed to submit an application for a permit to the Inland Wetlands and Watercourses Commission of the Town of Trumbull with respect to the Applications as required by Section 8-3(g) and Section 8-26 of the Connecticut General Statutes.

2. The Applicant has failed to provide the required basis for the Plan and Zoning Commission of the Town of Trumbull (“Commission”) to determine whether or not the proposed development meets or exceeds standards for maximum number of dwelling units per “buildable” acre pursuant to Section 4 of Article XVIII of the Regulations (Density). Specifically, the Applicant has failed to obtain and submit evidence of the approval by the Inland Wetlands and Watercourses Commission of the determination by a certified soil scientist of the area of 75 percent of all wetland areas on the site pursuant to Section 4.B. of Article XVIII of the Regulations with respect to this revised and resubmitted Application.

3. The Age Restricted Elderly Housing Zone proposed in the Application does not have the required frontage on a State highway pursuant to Article XVIII, Section 2 of the Regulations (Site of Zone).

4. The proposed project will not maintain the historic and natural character of the neighborhood and community as required pursuant to Article XVIII, Section 1A, of the Regulations.

5. The proposed development does not conform to the standards for zone change approval in that the development project does not conform to the purposes set forth in Section 1 of Article XVIII as required by Section 12A of Article XVIII of the Regulations.

6. The proposed construction of a proposed parish house or “rectory” on the so-called “Lot 1” or the maintenance of the parish house on the proposed Lot 2 requires the issuance of a Special Exception Permit from the Zoning Board of Appeals pursuant to Section 1B(2) of Article II of the Regulations. No such Special Exception Permits have been applied for or issued by the Zoning Board of Appeals and this use cannot therefore be approved.

7. The proposed creation of the so-called “Lot 1” (the Church property) as a lot is in violation of Section 1 of Article III (Regulations for Lot and House Sizes, Building Lines and Height and Bulk of Buildings) in that the existing Church does not meet the minimum rear set back of 50 feet. At present, the Church building is located not more than 40 feet from the actual rear property line.

8. The applicant has failed to obtain a letter from the Aquarion Water Company of Connecticut stating that satisfactory supply and pressure are available to adequately serve the proposed subdivision pursuant to Chapter V, Section 12 of the Subdivision Regulations.

9. The proposed use of Cemetery Drive by the parishioners of the St. John the Baptist Greek Rite Catholic Church (the “Church”) is in violation of Chapter V, Section 4 and Section 9(b) of the Land Subdivision Regulations of the Town of Trumbull.

10. The proposed use of Cemetery Drive by the parishioners of the Church violates the Special Exception Permit granted to the Church dated July 16, 1974 as modified on January 9, 1975.

11. The proposed use of Lot 2 for public parking associated with the use of Nothnagle Field is in violation of Article XVIII providing for Age Restricted Elderly Housing Zones and, in addition, the parking provisions set forth in the provisions for parking in a residential zone set forth in Article IV, Section 2.

12. The Applicant has failed to meet its burden of demonstrating the existence of safe, adequate and convenient vehicular and pedestrian traffic both within and without the site pursuant to Section 4 of Article XV of the Regulations nor is this Commission able to make any finding as to the true impact of the proposed development on traffic in the vicinity of the site for each of the following reasons:

a. The traffic impact created by the use of parishioners of the Church was not adequately addressed in the traffic study conducted on behalf of the Applicant;

b. The traffic impact created by the use of the Nichols Farm Burial Ground Association and Nothnagle Field for athletics including Little League and tennis particularly on Saturdays and Sundays was not adequately considered in the traffic study conducted on behalf of the Applicant;

c. The traffic impact created by the proposed use of all or part of Cemetery Drive on or by the Nichols Fire Department was not included in the scope of the traffic study conducted by the Applicant; and

d. The effect of irregularities in the width and shape of Cemetery Drive on potential traffic flows was not included within the scope of the traffic study conducted on behalf of the Applicant.

e. There is no basis for this Commission to therefore determine the resulting impact of the use of Cemetery Drive to access the properties containing the Church and that the proposed development will not affect public safety and will enhance access to those sites.

13. The proposed improvements to Cemetery Drive and Nothnagle Park referenced by the Applicant is of questionable impact in that the proposed revisions and reconstruction has not been considered or approved by any Official, Board or Commission with jurisdiction over any such project.

14. No comments have been submitted or received by the Town Tree Warden regarding the proposed landscaping plan as is required pursuant to Section 14 of Article XVIII.

Additional Notes: